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SIXTY-FIRST LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 25, 2012

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wright, Page.

Approval of Journal

January 25, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

At this time, Mr. Wills introduced Roger S. Burdick, Chief Justice of the Idaho Supreme Court, who delivered the State of the Judiciary Address to the members of the House.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 25, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 407](#), [H 408](#), [H 409](#), and [H 410](#).

WILLS, Chairman

[H 407](#), [H 408](#), [H 409](#), and [H 410](#) were referred to the Business Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 411
BY EDUCATION COMMITTEE
AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE TRUSTEES OF COMMUNITY COLLEGE DISTRICTS.

HOUSE BILL NO. 412 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION; AMENDING SECTION 54-3603, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3605, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE COMMISSION; AMENDING SECTION 54-3606, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RESEARCH, ADVERTISING AND EDUCATIONAL CAMPAIGNS; AND AMENDING CHAPTER 36, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3606A, IDAHO CODE, TO PROVIDE FOR POWERS ASSOCIATED WITH THE PROMOTION OF IDAHO GRAPE PRODUCTS, TO PROVIDE THAT IN CONDUCTING SPECIFIED ACTIVITIES CERTAIN LICENSES, PERMITS OR REGISTRATION OR NOTIFICATION TO A PUBLIC OFFICIAL SHALL NOT BE REQUIRED, TO PROVIDE THAT SPECIFIED ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, DISPENSING OR SERVING SAMPLES OF WINE ON PREMISES NOT LICENSED FOR THE SALE OF WINE BY THE INDIVIDUAL GLASS OR OPENED BOTTLE AND TO PROVIDE FOR LIMITATIONS.

HOUSE BILL NO. 413 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO DISASTERS AND THE MILITARY DIVISION; AMENDING SECTION 46-1005A, IDAHO CODE, TO AUTHORIZE THE ISSUANCE OF DEFICIENCY WARRANTS FOR THE PURPOSE OF MEETING OBLIGATIONS AND EXPENSES IN RESPONDING TO A DECLARED STATE OF EMERGENCY.

HOUSE BILL NO. 414 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN; AMENDING SECTION 49-2905, IDAHO CODE, TO REVISE DUTIES OF THE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE REGARDING THE STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN.

HOUSE BILL NO. 415 BY RUSCHE AN ACT

RELATING TO ELECTIONS; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE FOR BOARD OF COUNTY COMMISSIONER AUTHORIZATION OF VOTE BY MAIL, TO SPECIFY ELECTIONS REQUIRED OR ELIGIBLE TO BE CONDUCTED BY MAIL, TO PROVIDE PROCEDURES FOR CONDUCTING ELECTIONS BY MAIL, TO PROVIDE PROCEDURES FOR THE ORDERING OF CANDIDATE NAMES ON THE VOTE BY MAIL BALLOT AND TO PROVIDE FOR THE APPLICABILITY OF OTHER

LAWS; AMENDING SECTION 50-405, IDAHO CODE, TO PROVIDE FOR CITY COUNCIL AUTHORIZATION OF VOTE BY MAIL SUBJECT TO SPECIFIED IDAHO LAW AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 416

BY RUSCHE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-308, IDAHO CODE, TO PROVIDE THAT ANY PRECINCT MAY BE DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS A VOTE BY MAIL PRECINCT AND TO ALLOW OTHER VOTING PLACES WITHIN A PRECINCT.

[H 411](#), [H 412](#), [H 413](#), [H 414](#), [H 415](#), and [H 416](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 366](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 404](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 395](#) - APPROPRIATIONS - DEFICIENCY WARRANTS

[H 395](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 395](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 395](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 363](#) - INCOME TAX

[H 363](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 363](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 363](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 364](#) - INCOME TAX

[H 364](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 364](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 364](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 365](#) - INCOME TAX ACT

[H 365](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 365](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne,

Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35),
Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 365](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

January 25, 2012

Mr. Speaker:

I transmit herewith [S 1224](#) and [S 1223](#) which have passed the Senate.

NOVAK, Secretary

[S 1224](#) and [S 1223](#) were filed for first reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

[S 1224](#) and [S 1223](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 26, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:39 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk